

that this bill shall, and it is hereby declared that this bill take effect from and after its passage."

Senator Piner moved to strike out Section 9.

Lost.

On motion of Senator McLeary, blank in Section 6 was filled with the word, "three."

Senator Brown offered the following amendment to the preamble:

After the word, "necessity," insert the words, "an emergency."

Adopted.

Senator Crain offered the following amendment:

Strike out the preamble and amend Section 10 by inserting: "That as an important public necessity and emergency exist for immediate legislation to organize the Court of Appeals, that it may at once hear and determine criminal and other causes, exclusively cognizable on appeals in said court, that this act take effect from and after its passage."

Lost, and bill ordered to be engrossed.

Senator Storey moved a suspension of the rules to place the bill upon its third reading and final passage.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Burton, Brady, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson and Wortham—29.

NAYS—None.

The bill then passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson and Wortham—29.

NAYS—None.

On motion of Senator Moore, the Senate adjourned until to-morrow morning at 10 o'clock.

EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 27, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

The Chairman announced that Senator Ford was added to Committee on Judiciary No. 2.

On motion of Senator McLeary, Senator Ledbetter was added to Committee on Privileges and Elections.

A message was received from the Governor.

Senator Hobby, Chairman of Judiciary Committee No. 1, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary No. 1, to whom was referred Senate Bill No. 11, entitled: "A bill to be entitled: 'An Act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas;'" have had the same under consideration, and instruct

me to report the bill back to the Senate with the following amendments, and recommend its passage, as amended: In Section 2, strike out the word, "district," and insert the word, "supreme;" in Section 4, fill out the blank with the number 2,500; in Section 5, strike out the whole section.

HOBBS, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary No. 1, to whom was referred Senate Bill No. 14, entitled: "A bill to be entitled: 'An Act to transfer to the proper tribunals the business and records pertaining to the increased jurisdiction, granted by an act of the Legislature, approved on the 31st day of May, 1873, to the Presiding Justices of the Peace of the counties of Lamar and Fannin;'" have had the same under consideration, and instruct me to report the same back to the Senate, and recommend the passage of the accompanying substitute.

HOBBS, *Chairman*.

Said substitute has the following caption: "A bill to be entitled: 'An Act to transfer all cases, civil and criminal, now pending in courts of Justices of the Peace, whose jurisdiction has been heretofore increased by special laws, to the courts having jurisdiction thereof under the Constitution.'"

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary No. 1, to whom was referred Senate Bill No. 19, entitled: "A bill to be entitled: 'An Act to prescribe the order of determining cases in the Supreme Court,'" have had the same under consideration, and instruct me to report the bill back to the Senate, and recommend its passage.

HOBBS, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 35, entitled: "An act to define and regulate the duties of County Clerks throughout the State;" have had the same under consideration, and instruct me to report the bill back to the Senate with the following amendments, and recommend the passage of the bill, as amended:

In Section 1, strike out the words, "County Courts, pertaining to the estates of deceased persons," and insert the words, "including probate records, and all records of deeds and mortgages, and other instruments of writing required or permitted by law to be recorded."

In Section 2, strike out the words, "County Judges in a sum not less than \$2,000," and insert in lieu thereof, "County Commissioners' Court, in such sum as said court may determine, not less than \$2,000, and not more than \$10,000."

In Section 3, line 2, before the word, "deputy," insert the word, "competent."

Add the following sections to this bill:

SECTION 6. The County Clerk shall be authorized to issue all marriage licenses, take depositions of witnesses in all cases where the same are permitted by law, and to administer oaths and take affidavits in all judicial proceedings to be used in any of the courts of the State.

SECTION 7. Any and all acts heretofore done by the County Clerks since the eighteenth day of April, 1876, which are authorized under this act, are hereby legalized and shall be as valid as though this law was in effect on the said day and date.

SECTION 8. That all laws in conflict with this act be and the same are hereby repealed.

SECTION 9. That in view of the fact that no laws are now in force regulating the duties of Courts and Clerks, an emergency exists which requires that this act take effect and be in force from and after its passage.

HOBBS, *Chairman.*

Senator Burton introduced a bill entitled: "An Act prescribing the qualifications of jurors."

Read first time and referred to Judiciary Committee No. 1.

Senator McLeary introduced a bill entitled: "An Act to regulate the license and practice of attorneys and counselors-at-law."

Read first time and referred to Judiciary Committee No. 1.

Senator Hobbs introduced a bill entitled: "An Act to organize the County Courts in this State, define their powers, and regulate the practice and proceedings therein in civil suits."

Read first time and referred to Judiciary Committee No. 2.

Senator Burton introduced a bill entitled: "An Act to give effect to Article 6, Section 1, of the Constitution."

Read first time and referred to Judiciary Committee No. 1.

Senator Piner introduced a bill entitled: "An Act to amend an act entitled: 'An Act to amend Articles 757 and 766 of an act to adopt and establish a penal code for the State of Texas,' approved November 12, 1866."

Read first time and referred to Judiciary Committee No. 1.

Senator Piner introduced a bill entitled: "An Act to amend an act entitled: 'An Act to establish a penal code for the State of Texas,' approved August 28, 1856."

Read first time and referred to Judiciary Committee No. 2.

Senator Ledbetter offered the following resolution:

Resolved, That there shall be elected a general clerk, who shall assist the secretary in reading, and also do any other labor required by the Senate or the committees thereof.

Senator McLeary offered the following resolution:

Resolved, That the Committee on Penitentiary be furnished by the Secretary of State all the evidence taken in the investigation of penitentiary affairs by the Commissioners appointed by the Governor, together with all other matters of interest or information pertaining to penitentiary affairs which he may have in his possession, and that the said Committee, after proceeding to a full investigation of the condition of the penitentiary and the convicts, report by bill or otherwise.

Senator Piner introduced a bill entitled: "An Act to amend an act entitled: 'An Act to establish a penal code for the State of Texas,' approved August 28, 1856."

Read first time and referred to Judiciary Committee No. 2.

Senator Piner introduced a bill entitled: "An Act to repeal Section four of an act entitled: 'An Act to regulate the keeping and bearing of deadly weapons,' approved April 12, 1871."

Read and referred to Judiciary Committee No. 1.

Senator Stephens introduced a bill entitled: "An Act to repeal Section 27 of an act amendatory of an act supplementary to 'An Act authorizing the disposition and sale of the university lands,' approved April 8, 1874."

Read and referred to Judiciary Committee No. 2.

Senator Ball introduced a bill entitled: "An Act to provide for the payment of State witnesses in felony cases."

Read and referred to Judiciary Committee No. 1.

Senator Brady introduced a bill entitled: "An Act concerning certain claims against the Republic of Texas."

Read and referred to Committee on Claims and Accounts."

Senator Brady presented the following communication:

To His Excellency the Governor, and Staff, the Lieutenant-Governor, the officers and members of the Senate and House of Representatives:

The undersigned members of the Legislature from Harris county have the honor to state that they are authorized to say, that in the event the Legislature shall adjourn for the purpose of attending the approaching State Fair in Houston, the State Fair Association will have a special train at the depot in Austin for the purpose of transporting you to Houston and return, tendered you as complimentary and free of charge by said State Fair Association.

Of course it is desired that as ample notice as possible be given in order that a special train may be provided promptly.

We simply ask that this communication be spread upon the journals without further action.

BRADY, Senator,

BARZIZA,

SCHMIDT,

McCOMB,

Representatives.

Read and ordered to lie on the table for the present.

Senator Crain offered the following resolution:

Resolved, That the Senate go into an election for an Assistant Door-keeper and Assistant Sergeant-at-Arms.

Senator McLeary's resolution was taken up and passed.

Senator Stephens, Chairman Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate Bill No. 25, entitled: "An Act to organize the Court of Appeals," and find the same correctly engrossed.

STEPHENS, Chairman.

Senator Crain introduced a bill entitled: "An Act to provide for the current printing of the Fifteenth Legislature."

Read and referred to Committee on Printing, with instructions to report immediately.

Senator Ledbetter's resolution was taken up.

Senator Henry of Cass moved to lay it on the table.

Carried.

Resolution of Senator Crain taken up.

Senator McLeary moved to lay it on the table.

Motion lost by the following vote:

YEAS—Senators Francis, Henry of Cass, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Stephens, Thompson, Wortham—11

NAYS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Crain, Douglass, Edwards, Ford, Grace, Guy, Henry of Limestone, Hobby, Ledbetter, Piner, Ripetoe, Storey, Terrell—19.

The resolution was then lost by the following vote:

YEAS—Senators Blassingame, Brady, Carroll, Crain, Douglass, Edwards, Ford, Guy, Henry of Limestone, Hobby, McCulloch, Piner, Storey—13

NAYS—Senators Ball, Brown, Burton, Francis, Grace, Henry of Cass, Ledbetter, Martin, McLeary, McCormick, Moore, Motley, Ripetoe, Stephens, Terrell, Thompson, Wortham—17.

The message from the Governor was taken up and read, which was as follows:

To the Honorable Senate of the State of Texas:

I respectfully ask your advice and consent to the following appointments, to-wit: A. J. Peeler, Assistant Attorney-General and A. W. DeBerry, Secretary of State. Very respectfully,

RICHARD COKE, Governor.

On motion of Senator Grace, the report of the Committee on the drawing of Senatorial terms and accompanying resolution was taken up.

Senator Terrell moved to amend by adding the words, "and in drawing there shall be sixteen pieces of paper on which there shall be written, "two years"; and fifteen on which shall be written, "four years"; and the seats of the Senators who draw those on which is written, "two years," shall be vacated at the expiration of the first two years; and the seats of the Senators who draw those on which is written, "four years," shall be vacated at the expiration of four years.

Senator Brady moved to lay the amendment on the table.

Lost by the following vote:

YEAS—Senator Brady.

NAYS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry of Limestone, Henry of Cass, Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—29.

The amendment was then adopted.

The resolution, as amended, was then adopted.

Senator McLeary moved that the drawing be done by one of the pages blindfolded.

Adopted.

The Senate then proceeded to draw under the resolution with the following result:

Those drawing the long terms were as follows:

Senators Blassingame, Brown, Burton, Edwards, Ford, Grace, Guy, Hobby, Ledbetter, McCormick, McCulloch, Moore, Motley, Ripetoe, Storey.

Those drawing the short term were as follows: Senators Ball, Brady, Carroll, Crain, Douglass, Francis, Henry of Limestone, Henry of Cass, Martin, McLeary, Piner, Smith, Stephens, Terrell, Thompson and Wortham.

Orders of the day were taken up.

Senate Bill No. 7: "To create the office of Stenographer in courts of record, and prescribing his duties and liabilities," together with a report from Judiciary Committee No. 1, recommending a substitute for the same, was taken up, substitute adopted, read second time, and ordered engrossed.

Senate Bill No. 8: "To amend Article 389 of 'An Act to establish a code of criminal procedure for the State of Texas,'" with the report from Judiciary Committee No. 2, recommending an amendment, was taken up, Committee's amendment adopted, and bill ordered engrossed.

Senate Bills Nos. 9 and 24, with report from Judiciary Committee No. 2, recommending a substitute for the two bills, were taken up, and substitute adopted.

Senator McCormick offered the following amendment to the first section:

In the fourth line from the bottom, strike out "five," and insert "two."

Adopted.

Senator Piner proposed to amend as follows: Amend by inserting after sixth line, on second page, the words, "if the money or other article so embezzled shall be twenty dollars, or over."

Adopted.

Also, by inserting after the ninth line of second page the words, "if the value of such property, money or other article shall be less than twenty dollars, he shall be punished as for theft of property under the value of twenty dollars."

Adopted, and bill ordered engrossed.

Senate Bill No. 15: To repeal Article 76 of "An Act to adopt a penal code for the State of Texas," with report from Judiciary Committee No. 1, recommending the passage of the bill, was taken up, read the second time and ordered engrossed.

Senator Wortham, Chairman Committee on Public Printing, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Printing, to whom was referred Senate Bill No. —, have had the same under consideration, and respectfully beg leave to report back said bill, and recommend its immediate passage.

WORTHAM, *Chairman.*

Senator Wortham moved to suspend the rules, and place the bill on its second reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson and Wortham—27.

NAYS—None.

Bill read second time and ordered engrossed.

Senator Storey moved a further suspension of the rules to place the bill on its third reading and final passage.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Storey, Terrell, Thompson and Wortham—28.

NAYS—None.

On motion of Senator Douglass, the further consideration of the bill was postponed until to-morrow at 10 o'clock.

Senate Bill No. 18, entitled: "An Act to amend Article 382 of the criminal code," was taken up, read second time and ordered engrossed.

On motion of Senator Guy, the Senate adjourned until to-morrow morning at 10 o'clock.

NINTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 28, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

The President announced that Senator F. M. Henry was added to Committee on Internal Improvements.

Senator Moore introduced a bill, entitled: "An Act for the payment of W. S. Bledsoe, Special Judge of the Thirteenth Judicial District."

Read first time and referred to Committee on Public Claims and Accounts.

Senator McLeary introduced a bill, entitled: "An Act to provide for the custody and maintenance of indigent lunatics."

Read first time and referred to Committee on State Asylums.

Senator Terrell offered the following resolution:

Resolved, That the Judiciary Committees of the Senate be instructed to report at the earliest practicable time, whether the Legislative Department of the government has power to provide for the organization of a Judicial Commission, to hear and finally determine causes pending on appeal in the Supreme Court on the 18th of April, 1876, and over which the Supreme Court retains jurisdiction.

Adopted.

Senator Terrell introduced a bill, entitled: "An Act to provide for the issuance and sale of certificates for three millions of acres of the public domain of Texas."

Read first time and referred to Judiciary Committee No. 1.

Senator Ledbetter introduced a bill, entitled: "An Act to amend Article 5517 (Paschal's Digest), approved August 15, 1870, concerning wills."

Read first time and referred to Judiciary Committee No. 1.

Senator Ball introduced a bill, entitled: "An Act to authorize officers of other States of the United States, and officers of the United States in foreign nations, to take and certify the acknowledgments of married women to deeds or liens."

Read first time and referred to Judiciary Committee No. 1.

Senator Brady introduced a bill, to be entitled: "An Act to amend the second section of 'An Act better defining the marital rights of parties,' " passed March 13, 1848.

Read first time and referred to Judiciary Committee No. 1.

Senator Wortham, Chairman of the Committee on Printing, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Public Printing, to whom was referred a resolution in regard to public printing, respectfully report the accompanying bill, entitled: "An Act to provide for the public printing by contract," and recommend its passage.